IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.56098 of 2007
RAJENDRA YADAV
Versus
THE STATE OF BIHAR
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4 27/08/2008 Heard learned counsel for the petitioner and learned counsel representing the State.

According to the allegation of Laddu Lal Sah his brother was shot dead. The widow of the deceased told that while she was returning then she saw the petitioner making fire and escaping with the firearms. According to the fard beyan wife of the deceased is the eye witness.

Submission is that the statement which is used as fard beyan of Laddu Lal Sah was recorded on 5.4.2007 at 7 am whereas prior to the present case fard beyan with regard to the killing of Mahendra Sah was given by Jagdish Yadav and in that statement Jagdish Yadav who was accompanying the deceased has not named the petitioner and his fard beyan is the first version and the subsequent FIR is concoction.

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Case diary has been received. According to the fard beyan, wife of the deceased has seen killing of her husband. According to Anneuxre-2 at the time of occurrence Allaudin was also accompanying the deceased who was examined under section 161 Cr.P.C. later and he has named the petitioner as assailant. The plea that the petitioner was undergoing treatment at the relevant time at IGIMS can be taken as defence at the time of trial.

Considering the fact that the petitioner is the assailant, I am

not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail is rejected.

**avin.** **(Shyam Kishore Sharma, J.)**

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